

REMARKS

In the present Amendment, Claims 29 and 35 have been amended to recite that the deployer is movable in a proximal to distal direction through the pod to move the medical device between a stored position within the pod and an in-use position externally of the pod. No new matter has been added, and entry of the Amendment is respectfully requested.

Claims 29-58 are pending, of which Claims 43-58 are withdrawn from consideration.

At page 4 of the Action, Claims 29-30, 32-33 and 35-38 have been rejected under 35 U.S.C. §102(e) as allegedly being anticipated by Dwyer et al (US 6,395,017).

At page 5 of the Action, Claims 31, 34, 39-40 and 41-42 have been rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over Dwyer et al.

Applicants submit that the above two rejections should be withdrawn because Dwyer et al does not disclose or render obvious the present invention.

Claims 29 and 35 have been amended, as suggested by the Examiner, to greater define the movement of the deployer and its movement in relation to other elemental structures. In this regard, as discussed at the personal interview conducted on August 7, 2008, independent Claims 29 and 35 have been amended to recite that the deployer is movable *in a proximal to distal direction through the pod* to move the medical device between a stored position within the pod and an in-use position externally of the pod.

In contrast, the delivery device of Dwyer et al operates such that the sheath is moveable relative to the positioning tube. Dwyer et al fails to teach or suggest that the deployer within the pod, and attachable to the medical device, is *moveable in a proximal to distal direction through*

AMENDMENT UNDER 37 C.F.R. § 1.114(c)
U.S. Application No.: 10/727,986

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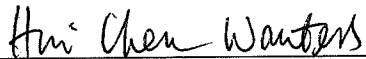
the pod, as recited in the present claims. Accordingly, Dwyer et al fails to teach or suggest the claimed medical catheter of the present application.

In view of the above, reconsideration and withdrawal of the rejections based on Dwyer et al are respectfully requested.

Allowance is respectfully requested. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,


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